

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
v.
DARREN JAY DENNISON,
Defendant.

Case No. 06-cr-00614-JW-1

**ORDER DENYING REQUEST FOR
PROBATION VIOLATION TO RUN
CONCURRENT WITH STATE
SENTENCE**

Re: Dkt. No. 45

Before the court is the request of defendant Darren Jay Dennison to allow him to negotiate, settle, or have any U.S. Probation violation ordered to run concurrently with his current life sentence in state prison. Dkt. no. 45. Defendant was convicted and sentenced on June 21, 1989, in the United States District Court for the District of New Mexico; his supervision was transferred to the Northern District of California effective September 6, 2006. The docket reflects that on November 16, 2007, the court issued a no bail arrest warrant upon finding that a Form 12 petition submitted by the United States Probation Office presented probable cause to believe that defendant had violated the conditions of his supervised release. Dkt. no. 26. On October 19, 2009, defense counsel moved to dismiss the pending federal probation petition due to defendant's conviction in state court on related state charges. Dkt. no. 42.

By order entered February 18, 2010, the court dismissed the pending petitions for revocation of supervised release and vacated any outstanding federal warrants related to the petitions, based on the parties' representations that "Defendant has now been sentenced in state court pursuant to the California Three-Strikes law and is serving 25

1 years to life imprisonment." Dkt. no. 43. Accordingly, no federal petitions for violations of
2 supervised release are pending. Defendant's request to have his U.S. Probation violation
3 run concurrently with his state sentence is therefore DENIED AS MOOT.

4 Defendant also asks to have his federal prison number retired or discharged, and
5 to eliminate this issue from his record. The court does not have authority over the record-
6 keeping practices of the Bureau of Prisons, which is part of the executive branch of the
7 federal government. See *United States v. Dragna*, 746 F.2d 457, 458 (9th Cir. 1984) (per
8 curiam). To the extent that defendant seeks expungement of his federal criminal
9 conviction, he fails to present a basis to expunge his criminal records either on statutory
10 grounds or under the court's limited inherent authority to expunge the record of an
11 unlawful arrest or conviction, or to correct a clerical error. *U.S. v. Crowell*, 374 F.3d 790,
12 792-93 (9th Cir. 2004); *U.S. v. Sumner*, 226 F.3d 1005, 1012-14 (9th Cir. 2000).
13 Accordingly, defendant's request to retire, discharge or eliminate his federal prison
14 number or federal criminal record is DENIED.

15 **IT IS SO ORDERED.**

16 Dated: August 16, 2018



17
18 PHYLLIS J. HAMILTON
19 United States District Judge
20
21
22
23
24
25
26
27
28